REVIEW COMMITTEE ON INDIAN AND METIS ADOPTIONS AND PLACEMENTS

I N T E R I M R E P O R T

Senior Judge E. C. Kimelman

Chairman

May, 1983

INTERIM REPORT OF THE REVIEW COMMITTEE

ON INDIAN AND METIS ADOPTIONS AND PLACEMENTS

Senior Judge E. C. Kimelman
Chairman

TO The Honourable Leonard S. Evans
Minister of Community Services
and Corrections

> "At a time when our country is struggling to redefine itself, to determine what kind of a future we want for everyone in this land, we must in all fairness pay particular attention to the needs and aspirations of the native people."
>
> The Honourable John C. Munroe, M.P., P.C.
> Minister of Indian Affairs
> and Northern Development
>
> "En Toute Justice" 1982

Mr. Minister:

Information contained in the Interim Report will be dealt with under five main headings,

1. introduction,
2. background to the Committee's activities,
3. content of the final report,
4. interim recommendations, and
5. conclusions.

1. INTRODUCTION

In March of 1982, as a result of concerns raised, which need not be detailed here, you appointed me as Chairman of a Review Committee to examine the Manitoba child welfare system particularly as that system relates to the adoption and foster home placement of children of aboriginal ancestry. The first Minister, The Right Honourable Howard Pawley, had announced in the House and through the media, that a moratorium would be placed on the out-of-province placement of all aboriginal children.

It immediately became apparent that your Chairman was faced with a two-pronged sense of urgency. The issue under review is far more complex than could have been initially imagined. It appeared that no one was in a position to contemplate the numbers of people who wished to be heard on this sensitive issue. It was difficult, if not impossible, to accurately determine the avenues that required consideration and exploration and as the Committee continued with its hearings, it became apparent that resources had to be examined carefully and in some detail in order to afford to the Minister a comprehensive report. Within the constraints of reasonable time your

Chairman deemed it imperative to give all those who wished to make a representation the opportunity to do so. To have failed to permit any citizen or group of citizens in Manitoba to be heard would have appeared to be a cursory examination of the system, an examination lacking in depth and credibility.

Your Chairman was, and is, of the opinion that this was not the intent when the Committee was appointed. The Indian and Metis people of Manitoba have repeatedly requested that your Chairman take whatever time is required to prepare for your consideration a thorough and complete examination of the child welfare system so that their concerns will be made public. While your Chairman has referred to the Indian and Metis citizens of the Province of Manitoba, representations, though brief, have also been made on behalf of the Inuit people and consideration will be given to their particular representations, so that the final report deals with considerations of all the aboriginal people in Manitoba. This was the first urgent concern.

At the same time, it has become evident that the prime concern of Manitoba's aboriginal population is

for their children. While native agencies and organizations have requested that they be given the first opportunity to find a culturally and linguistically appropriate home for a child, they have never suggested that a child be kept in "limbo" for an indefinite period of time.

It is this second urgent concern for the children who have been caught under the umbrella of the moratorium, and which children I designate as children who cannot wait, that prompts your Chairman to submit to you at this time an interim report. This report will include your Chairman's recommendations for procedures for the placement of children now affected by the moratorium and for children who might in the future be affected by the moratorium. It is this concern for children that further leads me to recommend to you that the moratorium should remain in place indefinitely. Your Chairman, at this time, sees no need for the moratorium to be lifted at any time subject only to such minor and particular exceptions as will be subsequently detailed. Your Chairman recommends that this province establish a permanent moratorium which is in accord with child

welfare practices in all other provinces of Canada.

Prior to the imposition of the moratorium early in 1982, representatives of native organizations termed the placement of Indian and Metis children outside the province of Manitoba as cultural genocide, a concept with which your Chairman concurs.

> "For the past two hundred years the children of Indians have been the innocent victims of a cultural war waged against them by society. Christian missionaries, Indian Agents, school teachers, and politicians have all argued that Indian children must be taught to be something other than Indian, to be something they are not and never can be. These perceived pillars of society have tried, usually misguidedly, but nevertheless relentlessly, to indoctrinate in these children the belief that the customs, the values and traditions of their people must be discarded if Indians were ever to take their place in the majority community. To achieve this goal, children were removed from their homes and placed arbitrarily in residential schools with only brief continuing contact with their families. More recently children have been removed and placed in non-aboriginal, middle class homes for adoption. While neither the literature nor the research into this issue is as yet extensive, indications are that children are subject to periods of identity crisis particularly during their teen age years. Over the past years, these collective efforts have profoundly scarred the hearts and minds of too many Indian people."

A preliminary review of statistics indicates a basis for these allegations.

In the final report, Mr. Minister, detailed statistics will be given that will substantiate the statements made with respect to aboriginal children. However, some brief statistics must, at this time, be brought to your attention. Of the 438 children placed for adoption during the calendar year 1981, 25% were placed for adoption outside the Province of Manitoba. The children of aboriginal ancestry were unduly represented in these out-of-province adoptions. Over 86% of the out-of-province placements were aboriginal children. A further statistic presented to your Chairman is the fact that 55% of all Treaty Indian children placed were placed outside the Province of Manitoba as well as 40% of all Metis children but only 7% of all Caucasian children. Of the 55 placements made in the U.S.A., 54 were aboriginal children or 98 percent. <u>These numbers of placements cannot be viewed as representing what has been repeatedly referred to as "special needs placement".</u> Your Chairman deems it as a conscious policy, which

may have been inadvertently applied, to fill the needs of available adoptive, out-of-province homes rather than attempting to develop adoptive homes within the boundaries of the Province of Manitoba.

To the credit of the present government, the moratorium has stopped this wholesale exportation of aboriginal children. Time and time again your Chairman has been advised by the aboriginal people that the moratorium has their unqualified support. The moratorium has the support of the aboriginal community, not only locally but nationally. Your Chairman repeats again his recommendation that the moratorium should remain in full force and in place.

Two factors, in your Chairman's respectful opinion, are lessening the pressure that previously existed to place children out-of-province. Through the review process itself, and possibly as a direct result of the accompanying media coverage, and as a result of a growing input by Indian and Metis community workers, native child caring agencies, by child care committees, both on and off the reserve, and in urban communities, the aboriginal people of Manitoba have

been made aware of the need to provide homes for children available for adoption and placement. These people are coming forward.

Concurrently, there has been the development of the Indian child welfare agencies previously referred to and as contemplated under the Master Tripartite Agreement. This agreement (and other similar agreements) will be discussed in detail and its relevance considered in the final report. All reserves in Manitoba are now covered by agreements and agencies are at various stages of development. Your Chairman is of the opinion that the Province of Manitoba is showing the way for other provinces in child welfare procedures for the aboriginal people. The Indian agencies will have significant impact on the prevention of situations leading to the need to place children outside their own families. These agencies, in my opinion, will also be able to identify culturally appropriate adoptive homes on reserves and within tribal communities.

The Metis communities of Manitoba are now at the beginning stages of developing their own services

to deal with child welfare matters. A start has been made and support must be afforded to these Metis communities to develop their own child care programs and to develop resources to deal with the needs of the Metis children.

Having stated that the children affected by the moratorium cannot be kept waiting and should be dealt with immediately, the intent of this interim report is to suggest and recommend an ongoing placement procedure to prevent the backlog agencies claim has occurred and also to deal with the children currently available for placement within specific, reasonable and defined time frames. The rights of children are to be and must be balanced with the rights of the various aboriginal groups that have made representation. The children will not be kept waiting indefinitely. Further, I am of the opinion that the children cannot wait until the Indian child welfare agencies are fully operational or until and while the Metis agencies and committees are being developed. <u>But the Indian child welfare agencies and local child welfare committees must be given every opportunity to find culturally and linguistically appropriate homes for children and the children must be given every</u>

opportunity to be placed in secure and permanent homes.

The universal concern, that is the concern of the government, the child caring agencies, the aboriginal people and your Chairman, is the best interests of the child. There is complete unanimity by all parties on that particular point.

2. BACKGROUND

The original mandate of the review committee was defined in the following terms of reference

> "to determine the problems in current placement procedures for Indian children with special emphasis on adoption and foster homes, to develop guidelines for adoption and foster home placement procedures involving Indian children which can be instituted through the child welfare system and which will recognize the special cultural needs of the Indian community, and to prepare a proposal for the Minister's consideration to promote awareness of the need for Indian adoptive and foster parents and to encourage Indian families to offer their homes as placement resources".

A cursory examination of the terms of reference immediately indicates that in order to consider the unique problems of aboriginal children, the review must examine all placement procedures. The practices of all child welfare agencies must be reviewed particularly as those practices affect aboriginal children. The reasons for the out-of-province placements must be identified to determine whether there was ever any justification, in whole or part, for such placements.

The terms of reference also indicated that the Committee was to look into, and establish recommendations and, guidelines for,adoption and placement through the child welfare system and this reference in itself indicated that a thorough and exhaustive study was required in order to come up with adequate, feasible and viable recommendations that could be presently instituted and that would work effectively for the children and for the families affected by the child welfare system.

By subsequent appointment of a representative of the Manitoba Metis Federation, the Review Committee's

mandate was expanded to include consideration of Metis children as well as Indian children. As previously indicated, your Chairman has also considered and heard (albeit briefly) from the Inuit people, since some of the Inuit children have also been affected by procedures under the child welfare system.

The mandate of the Committee was further broadened by the Minister who, in March of 1983, asked the Chairman to examine the group foster homes and to bring in the report on this issue prior to completing the final Review Committee report. Let me state at this time, that the examination of the group foster homes has just begun. I am informed that there are approximately 100 group homes in the Province of Manitoba and your Chairman will be examining a sufficient number of group homes in order to arrive at necessary recommendations.

As originally contemplated, the Review Committee included the writer as Chairman with representatives from the Children's Aid Society of Winnipeg, the Children's Aid Society of Western Manitoba, the Dakota-Ojibway Child and Family Services, the

Four Nations Confederacy, the Manitoba Metis Federation, the Manitoba Keewatinowi Okemakanac Inc., the Director of Child Welfare, and a representative from the Federal Department of Indian and Northern Affairs.

At the first meeting of the Committee, it became immediately clear that agreement or unanimity on any point or issue would be impossible or improbable with a group of individuals representing such diverse positions on the issue of child welfare services to the aboriginal population of Manitoba. Your Chairman is not suggesting that any of the representatives lacked a deep and abiding concern for children. On the contrary, their commitment was, and is, sincere and long standing. Their experience, however, led each to view the current situation from an entirely different perspective. There was little to gain and much to lose by striving for unanimity. To have looked for some reasonable degree of unanimity would have been, in your Chairman's respectful opinion, difficult if not an impossible exercise, and might have engendered within the Committee an atmosphere of hostility overriding the co-operation and mutual respect required to report on the sensitive issues under investigation.

Your Chairman, therefore, following full discussion, suggested that the Committee members move to the position of advisors to your Chairman. All members concurred and approved of this change in status. In that role they have functioned well and your Chairman is appreciative and grateful for their assistance. This has also permitted your Chairman to move about freely within the province and from reserve to reserve, from community to community, from resource to resource, without the problems and difficulty that might have been encountered had we deemed it necessary to have all members attend at each meeting. Each meeting has been reported fully to all members. By having the various Committee members function in the role of advisors, they have been at liberty to speak out to the press and to the media on issues that concern them. You are no doubt aware, Mr. Minister, that members have and are speaking to the press on a regular basis and that as a Committee member they would have been unable to do so. The net result has been positive, in my opinion, and as previously indicated, has made the citizens of Manitoba more conscious and aware of the sensitive issues and the difficult task in recommending a reasonable and viable solution.

The interim report and the final report, therefore, will reflect my thinking alone, based on the advice that has been extended me, and what I have learned in the review process. All advisory members have been invited to submit reports to be included with my final report.

The review process has to date fallen into six categories of activities.

1. Public Hearings

Public hearings, on one or more occasions, have been held in Brandon, The Pas, Beausejour, Thompson, Dauphin, and Winnipeg. A final public hearing will be held in Winnipeg to ensure the opportunity for all persons who wish to do so to make representations. Response and attendance at the hearings has been excellent.

2. Special Hearings

At the request of local communities special hearings have been held at The Pas Reserve, the Brokenhead Reserve, the Peguis Reserve, Sandy Bay Reserve, Roseau River Reserve, Long Plains Reserve, Berens River Reserve and in Brandon. Still to be scheduled are special hearings

requested by Gods Narrows, Norway House and Island Lake. Your Chairman has attended at one major meeting of the Manitoba Metis Federation held in Winnipeg on the 16th day of April, 1983 and has been informed that invitations will be received from each of the regional organizations.

3. Child Care Agencies

Interviews involving a schedule of specific questions (particulars of which will be itemized in the final report) on current placement practices have been held with each of the fifteen agencies currently providing child care services in the province.

4. Special Interviews

Special interviews have been held with agencies and organizations which have a direct interest in the issue of child welfare to aboriginal persons including educational institutions, religious organizations, treatment programs, and native organizations. Additional such interviews are planned including all treatment institutions within the Province of Manitoba.

5. File Reviews

In process at the present time, are investigations

into the files of all children who were placed outside of Manitoba during the calendar year 1981. This particular aspect of the review will take some considerable period of time. Each file must be examined with care and detail and files seen to date have been voluminous necessitating some time in their investigation.

6. Treaty Adoptees

The Director of Child Welfare is in the process of contacting the Treaty Indian adopted children who reached the age of majority prior to 1979. The purpose of contacting them is to inform them of their Treaty rights. Such contact has been made since 1979 (as I understand it) in a systematized manner. With the mailing to these adoptees will go a letter from your Chairman asking these individuals to advise of their adoption experience, including any positive or negative comments that may be directly related to their Indian culture and heritage. These responses may be of value in planning services for aboriginal children currently in non-aboriginal homes.

3. CONTENT OF FINAL REPORT

Without setting out our specific recommendations

at this time or disclosing findings that will be detailed in the final report, your Chairman wishes to advise that the principle of accountability will be recommended for incorporation within the child welfare system and this principle will underscore all aspects of the report.

The final report will provide a historical overview of the child welfare services to aboriginal persons on and off reserves and commentary on legislative processes and contractional agreements upon which current services are based.

The final report will also contain a summary of previous reports on the issue of child welfare services with comment on how recommendations, if any, of these various reports are applicable to the present findings.

The final report will also contain a full and detailed statistical analysis for the calendar year 1981 and a general overview of statistics for the preceding years with comment on the implications of this data.

The report, of course, will also contain a summary of findings on placement procedures presently

utilized by child caring agencies within the province and your Chairman's comments on how these procedures are to be modified and/or changed to more adequately meet the needs of the aboriginal children.

The report, Mr. Minister, will also include recommendations for changes within the system that will affect not only the aboriginal children of the province but any child, from whatever ethnic group, that comes into contact with the child welfare system.

The final report will detail recommendations for the reorganization of the child welfare delivery system to ensure that services are sensitive to the cultural and ethnic composition of local communities. This reorganization will ensure the particpation of citizens of the private sector in the determination of policy and in the development of resources and procedures for the provision of services to children and families.

The Indian child welfare agencies refer to themselves as "community-based services". This term and its underlying concept is appropriate not only for Indian communities but for all communities. By directing services

to families at local levels, there will be a reduction in the number of children coming into care.

It is imperative that child welfare services are continually responsive to existing and changing needs of communities and such sensitivity must be built into the very structure of the child welfare system.

My final report will give particular attention to the child welfare structure in the City of Winnipeg. At the present time we have 15 agencies (plus 3 additional Indian child welfare agencies in the beginning stages of development) providing service to one half the population of the province and a single agency in Winnipeg providing service to the other half. While my final report will discuss the option of decentralization as has been previously referred to in the report of my brother Judge Robert Carr, my current thinking leads me to believe that to ensure community sensitivity up to 6 separate community-based agencies are necessary to adequately serve the needs of the City of Winnipeg.

I will be recommending that the boards of these agencies be small, cohesive and workable with the

suggestion that the number of directors be restricted to 10 to 15 members. I will further be suggesting procedures for the appointment of these board members to provide for government appointees as well as community selected members who will represent the majority of the board membership.

Consideration will also be given in my final report of the need to develop a special response mechanism for crisis situations particularly in the City of Winnipeg. I will be examining, as well, the matter of crisis shelters for children and families. It is currently my belief that responsibility for this crisis oriented function properly rests with the Director of Child Welfare.

My final report will also outline a structure for the co-ordination of all child welfare agencies to ensure that citizens of the province are equally and equitably served regardless of their geographic location.

The group homes are being studied as a separate issue as you requested. The final report will, however, include comment on the role of group homes for the

care of children and with the possible recommendation that priority consideration be directed to foster homes as an alternative to group homes and institutions.

The final report will include comments on the present educational opportunities available to provide aboriginal citizens with the necessary knowledge, skill and expertise required to perform duties within the child welfare system for the delivery of services.

I intend to examine the informational systems now in place in the province and to comment on a recommendation of a planned computer system to identify the issue of accountability and how this issue might be facilitated through these systems. This examination will include consideration and recommendations with respect to a child abuse registry.

The final report will contain brief comments on the American Indian Child Welfare Act and the American Indian Tribal Courts with an attempt to identify policies and procedures that might well be the subject of recommendations to the Federal Government for changes within Canada and effecting ultimately the aboriginal citizens of this

province.

Your Chairman has for consideration the abundance of material sent to me by the National American Indian Court Judges' Association. Certain recommendations from this organization might be undertaken within the Province of Manitoba.

The final report will include a detailed examination of child advocacy systems presently in place in Canada and an overview of some of the advocacy systems in our sister states to the South. It is anticipated that the final report will have detailed recommendations for the implementation and subsequent development of a child protector system for the Province of Manitoba. Such recommendations will of course be made on the basis and understanding that such implementation can effectively be made within the budgetary restraints presently in place and within the ability of the province to financially respond. Within the recommendations for the child protector system will be an examination of current child abuse response systems presently in place within the province and these will be examined against systems elsewhere.

Finally, Mr. Minister, the report will indicate my examination of a system presently in place within the Province of Ontario. That is, the Crown Wardship Review. It is intended to make recommendations for the immediate implementation by the province of a review process of orders of guardianship. This relates directly to my earlier comments about accountability. The process will include provision for review by the Courts in certain situations. It is my opinion that a review process will serve to maintain accountability both by the agencies having to do with children and an accountability by the Department with respect to ensuring that children have had their rights fully and carefully protected and that court orders have been complied with.

It is anticipated that recommendations would flow from this review process to have the Child Welfare Act amended to provide for four types of court orders as opposed to present provisions for only temporary and permanent orders. Consideration might well be given to court orders with placement within the family structure.

It is self evident, Mr. Minister, that a child of 14, or 15, or 16, stands little or no possibility of

being adopted and to have this child referred to as a permanent adoptable ward serves no useful purpose. It may well cause additional stress or trauma to the child. This child, in my opinion, is adversely affected by being labelled as a permanent ward. A change in nomenclature and status is required.

You can well appreciate, Mr. Minister, that the process of hearings, interviews and research has brought to light many pertinent issues which need to be addressed. It is my intention to provide you with a full summary of the information now available to me, identifying the source of pertinent comments, along with my own analysis of each issue and views on how they may best be dealt with by the government. This will be, perhaps, the most significant section of my final report as it will provide you with complete documentation of the views of the people of Manitoba on the child welfare system particularly on how that system is viewed to impact on the aboriginal people.

In summary, Mr. Minister, it is anticipated that the final report will be a full and detailed outline of current child welfare system, particularly as that system affects the children of aboriginal descent. The

report will provide you with concrete, workable recommendations which can be practically implemented. The intent of the report, as I envisage same, is to have in place a system which will avoid a recurrence of problems presently confronting us.

My recommendations will be underscored by the principle of systemic accountability and will include specific recommendations in the areas of child advocacy, guardianship orders review process, modification of types of guardianship and wardship orders presently granted under the Child Welfare Act, and finally recommendations for structural changes in the child welfare system.

4. INTERIM RECOMMENDATIONS

It is recommended that the Government announce, as a matter of public policy and as a declaration of principle, that the moratorium remain in effect permanently and that child welfare agencies direct their energies and resources towards placing aboriginal children within culturally and linguistically appropriate homes within the Province of Manitoba.

Of immediate concern are the children of aboriginal descent, Treaty and non-Treaty, Metis and Inuit children. These are the children that have been the primary victims of out-of-province adoptions. It is to these children that the present recommendations and the interim report are primarily directed. The recommendations deal more specifically with children of Treaty status because of the further development of Indian child welfare agencies. However, the recommendations apply equally to local communities of non-Treaty, Metis and Inuit to the extent that such communities are able to meet the requirements of response and action in the best interests of children.

Under the current guidelines governing the adoption program, children under two years of age and children over two years are treated differently by the Central Adoption Registry. I suggest that this difference be eliminated and rather that children be considered to fall within the following categories:

a) Infants who are readily adoptable;

b) Older children for whom adoption is appropriate;

c) Older children for whom adoption is not appropriate, practical, or possible and for

whom alternate plans for a secure placement are required.

I must add that at this point in my thinking I can foresee no circumstances that would require the separation of sibling groups regardless of age.

What I propose to offer you, Mr. Minister, is a structural procedure for the placement of children that I believe will ensure that the aboriginal community is given full opportunity to locate adoptive homes and equally assures that children will be placed in a secure and permanent home within reasonable defined time limits.

Inherent in my recommendation is the assumption that the emergent Indian child welfare agencies are afforded the same status and equality as those of the established agencies in the child welfare field.

The procedures to be outlined hereafter should be implemented immediately for children coming into care because of parental inability to continue to provide for them or whose parents have relinquished them for adoption and where consent for adoption has been given. These

children should be able to be placed within the outside limit of 150 days.

There are also the children who are currently permanent wards of the agencies and for whom no placement has as yet been located. These children may or may not have had their placement delayed because of the moratorium. Each agency, therefore, under the supervision and control of the Director, should determine at what particular step of the recommended procedures each of their cases appropriately falls. Having made this determination, the case should then be moved through the system within the recommended time limits.

Within my recommended procedures I mention registration with the Canada Adoption Desk. This recommendation may initially appear to be in direct contradiction to my recommendation that the moratorium remain in full force and effect. I have confidence that suitable homes for all children will be found within the Province of Manitoba. The Indian child welfare agencies and the aboriginal people have repeatedly assured me that these homes are available and there is no reason to question this position. It is alleged, however, that the

possible backlog of children may overtax the capacity of these agencies to respond. At the present time, I believe it is necessary to look into and investigate every resource within Canada with a view to placement of these children. I am fully confident that within an outside limit of two years the step of referral to the Canada Adoption Desk will no longer be necessary.

Recommendations are for present situations. As resources are developed all children will be suitably placed except for those special exempted cases that will be dealt with by the Child Placement Committee, particulars of which will be hereinafter described.

It is well to state at this time that this interim report and the recommendations deal solely with the children who are permanent wards and where the issue is adoption. The final report must address the issue of placement of children who are temporary wards and the children who are now designated as permanent wards but for whom there is no possibility of adoptive placement. In this regard I will be reporting on foster homes, foster parents and group homes, all within the context of availability and suitability, and the issue of priority

between the two types of placement and finally, the recommendation of how the wardship review process will affect the placement of temporary wards.

MR. MINISTER, I RECOMMEND FOR YOUR CONSIDERATION AND IMMEDIATE IMPLEMENTATION, THE FOLLOWING PROCEDURES.

1) Within four juridical days of a child being made a permanent ward, the child caring agency shall, in writing, notify the home reserve and the Indian Child Welfare Agency, with a copy to the Director of Child Welfare, that the child is available for adoption and shall include the necessary particulars of the child. The Director, having received notification under Section 28 of the Act shall ensure that such notification takes place. I see no problem in having the Director's office, with present staff and capabilities, immediately implementing a monitoring system to ensure this initial recommendation be immediately complied with.

2) Within four juridical days of receipt of the information, the reserve and/or the Indian Child Welfare Agency shall acknowledge, in writing, to

the child caring agency, with a copy to the Director, acceptance as to the sufficiency of the information or requesting further appropriate information to enable them to place the child or locate an adoptive home.

3) In the event of a disagreement, the Director shall indicate that the documentation is or is not sufficient. If insufficient the Director shall indicate what additional material is required. It is anticipated that the monitoring system within the Director's office will ensure that this procedure would be implemented on a regular systematic basis so that no delay is incurred.

4) If the reserve or the Indian Child Welfare Agency does not acknowledge receipt of the information, the Director shall contact the reserve and/or the Indian Child Welfare Agency on the following juridical day.

5) The reserve and/or the Indian Child Welfare Agency shall have a period of time not exceeding 60 days to locate a suitable adoptive home and to notify the

Director in writing of the name of the prospective family. Strict compliance of this provision will be monitored by the office of the Director of Child Welfare.

6) If an adoptive home has been identified, an extension of no more than an additional 30 days shall be granted to secure the necessary approval of the adoptive home.

7) Should the home reserve and/or the Indian Child Welfare Agency fail to locate an adoption home within the 60 or 90 day time frame, the child shall then forthwith be registered with the Central Adoption Registry, and it is my recommendation that such registration take place within a further time frame of four juridical days.

8) The Central Adoption Registry shall forthwith circulate information on the child in the adoption bulletin. Such information should be sufficient for agencies to identify suitable, culturally and linguistically appropriate homes.

9) The Central Adoption Registry shall consider adoption homes in the following exact priority:

a) placement in a home on any culturally and linguistically appropriate reserve within the Province of Manitoba;

b) placement in a culturally and linguistically appropriate home off-reserve in Manitoba;

c) placement in an adoptive home in Manitoba.

10) If, within 30 days of registration, the Central Adoption Registry has not located a suitable adoptive home within Manitoba, the child shall forthwith be registered with the Canada Adoption Desk and again it is my recommendation that such registration take place within an additional 4 juridical day period.

11) The Canada Adoption Desk will be directed to place the following exact priorities in selecting an adoptive home:

a) placement in a home on a culturally and linguistically appropriate reserve in Canada;

b) placement in a culturally and linguistically appropriate home off-reserve in Canada;

c) placement in a home in Canada.

12) Until such time as the child has been placed, the home reserve and/or the Indian Child Welfare Agency shall have first priority to place the child in an approved home on the home reserve, within the Tribal community, or in an off-reserve home of a Tribal member within the Province of Manitoba.

13) If within 30 days of registry with the Canada Adoption Desk no suitable home is located the Director shall refer the child to the Manitoba Child Placement Committee as outlined in Section 14.

14) The Manitoba Child Placement Committee, consisting of five members, shall be immediately established by the Minister and I recommend that the Committee shall consist of the following:

a) the Ombudsman;
b) a representative of the Manitoba Treaty Indian community;
c) a representative of the Manitoba Metis community;
d) a representative of the Director; and
e) a representative to be appointed by the Minister.

It is my recommendation that the members of the

Manitoba Child Placement Committee be appointed for a term certain (e.g. 3 years) at the discretion of the Minister so that the Committee will at all times reflect the thinking of the community. This Committee shall meet on a regular basis at the call of the Director of Child Welfare on receipt of applications for directions. Rules of procedure and any other applicable guidelines shall be laid down by the Director of Child Welfare or developed by the Committee subject to the approval of the Director.

15) On the establishment of a child protector system, the exact particulars of which will be contained in the final report, the child protector or his designate shall be a member of the Manitoba Child Placement Committee.

16) The Manitoba Child Placement Committee shall determine a suitable and secure placement of the child and shall ensure that such placement is carried out.

Procedures for Metis and Non-Treaty Indian Children and Inuit Children

Procedures for these children will follow the guidelines for Indian children substituting where appropriate Metis organizations and/or Metis community or Inuit organizations and/or Inuit community.

Priorities for the placement for these children will be placement, initially, within the local communities and, failing such placement, adoptive homes shall be sought in other communities or urban areas within the Province of Manitoba, and failing provincial placement, elsewhere in Canada following the guidelines and procedures previously recommended for the Indian children with the emphasis at all times on culturally and linguistically appropriate homes.

Exemptions From Moratorium

There will be certain children who will not be subject to the foregoing recommendations. I specifically refer to children who should be placed with siblings previously placed in other jurisdictions, or children who should be placed with out-of-province relatives or extended family. Where children have been previously placed outside the Province of Manitoba and

where professional recommendations are that the child join his/her sibiings, I see this placement as a possible exception to the previous recommendation with respect to the moratorium. I also foresee children with special needs and requirements that might be placed in other jurisdictions for treatment. By way of illustration, Mr. Minister, I can see a child requiring special long term medical attention in another jurisdiction and being placed in such jurisdiction to obtain such medical attention.

Direction for placement and approval must be given by the Manitoba Child Placement Committee so that, even though your Chairman is recommending that there might be exceptions to the moratorium, such placements must at all times have the approval of the Manitoba Child Placement Committee.

5. CONCLUSIONS

This interim report is presented to provide you with a detailed resume of the activities of the Review Committee and a general indication of the scope and content of the final report as I currently envision it. By complying with the recommendations, agencies should be in a position to immediately place into secure and permanent homes those children still

affected by the moratorium. The Manitoba Child Placement Committee can also be made responsible for recourse in other issues under the Child Welfare Act. It would, therefore, be logical to assume that pending receipt of the final report and with the continuation of the moratorium, there should not be a build up or backlog of children awaiting placement. I see no other issues at this time requiring a further interim report except for the issue of group homes. This group home study which follows a parallel investigative pattern and will generate an ancillary report prior to the delivery of the final report.

APPENDIX

ACTIVITIES TO DATE

OUTLINE OF FINAL REPORT

REVIEW COMMITTEE ON INDIAN AND METIS

ADOPTIONS AND PLACEMENTS

A C T I V I T I E S T O D A T E

PUBLIC HEARINGS

Brandon - May 27 and 28, 1982
The Pas - June 21, 1982
Beausejour - July 6, 1982
Thompson - August 12, 1982
Dauphin - August 25, 1982
Winnipeg - September 9, 10 and 16, 1982

SPECIAL HEARINGS

The Pas Reserve - October 20, 1982
Brokenhead Reserve - October 26, 1982
Pequis Reserve - November 5, 1982
Sandy Bay Reserve - November 22, 1982
Roseau River Reserve - November 25, 1982
Long Plains Reserve - January 4, 1983
Berens River - January 5, 1983
Brandon - March 22, 1983

CHILD CARE AGENCIES

Children's Aid Society of Eastern Manitoba - September 22, 1982
Interlake Region - September 23, 1982
Jewish Child and Family Services - September 24, 1982
South East Child and Family Services - September 28, 1982
Eastman Region - September 28, 1982
Children's Aid Society of Central Manitoba - September 29, 1982
Dauphin Region - October 5, 1982
Dakota Ojibway Child and Family Services - October 6, 1982
Children's Aid Society of Western Manitoba - October 6, 1982
Winnipeg Region - October 15, 1982
Children's Aid Society of Winnipeg - October 18, 1982
Thompson Region - October 19, 1982
The Pas Region - October 20, 1982
Fort Alexander Child and Family Services - November 10, 1982
Churchill Health Centre - February 10, 1983

SPECIAL INTERVIEWS

Office of Residential Care - September 27, 1982
Faculty of Education, University of Manitoba - October 8, 1982
Child Development Centre - October 13, 1982
- November 3, 1982
Metis Women's Association - October 18, 1982
Native Family Services - November 3, 1982
ACCESS Program - November 10, 1982
New Careers - November 10, 1982
Winnipeg Education Centre (Education) - November 30, 1982
Indian Affairs - November 30, 1982
Deputy Minister - December 3, 1982
School of Social Work - December 6, 1982
Winnipeg Education Centre (Social Work) - December 6, 1982
Dauphin Child Abuse Team - December 14, 1982
Bishop John Conlin, Brandon - December 16, 1982
Archbishop Adam Exner, Winnipeg - January 7, 1983
B.U.N.T.E.P. Brandon - February 18, 1983
National Indian Child Welfare Asocciation - March 24, 1983
Manitoba Metis Federation - April 16, 1983
Child Guidance Clinic - April 29, 1983
Foster Parents Association, Children's Aid Society of
Winnipeg - May 3, 1983

ADVISORY COMMITTEE MEETINGS

Winnipeg - May 2, 1982
Brandon - May 27, 1982
The Pas - June 21, 1982
Beausejour - July 6, 1982
Thompson - August 12, 1982
Dauphin - August 25, 1982
Brandon - December 16, 1982
Winnipeg - May 5, 1983

FILE REVIEWS

Thompson Region - April 6, 1983
Dauphin Region - April 12, 1983

REVIEW COMMITTEE ON INDIAN AND METIS

ADOPTIONS AND PLACEMENTS

REPORT OUTLINE

1. INTRODUCTION

   1.1 Background of the Study
   1.2 Study Committee
   1.3 Study Process

      1.3.1 Public Hearings
      1.3.2 Special Hearings
      1.3.3 Child Care Agency Interviews
      1.3.4 Related Agency Interviews
      1.3.5 Committee Meetings
      1.3.6 File Reviews
      1.3.7 Treaty Adoptees
      1.3.8 Treatment Institutions
      1.3.9 Other Sources and Materials

2. TERMS OF REFERENCE

   2.1 The terms of reference of the Committee as originally defined by the Minister were:

      - determine the problems in current placement procedures for Indian children with special emphasis on adoption and foster homes;

      - to develop guidelines for adoption and foster home placement procedures involving Indian children which can be instituted through the child welfare system and which will recognize the special cultural needs of the Indian Community; and

      - to prepare a proposal for the Minister's consideration to promote awareness of the need for Indian adoptive and foster parents, and to encourage Indian families to offer their homes as placement resources;

   2.2 Broadening of terms of reference

3. CHILD WELFARE IN MANITOBA

3.1 Historical Overview of Child Welfare Services to Treaty Indians

3.1.1 On Reserve
3.1.2 Off Reserve

3.2 Statutory authority of child welfare

3.2.1 Provincial legislation
3.2.2 Federal responsibilities

3.2.2.1 Indian Act
3.3.2.2 Department of Indian Affairs Procedures

3.3 New agreements for provision of child welfare services to Indians

3.4 New agreements for provision of service to Metis

4. REPORTS AND STUDIES

4.1 A review of Child Welfare Policies, Programs and Services in Manitoba, July, 1975, Joseph C. Ryant

4.2 Report of the Indian Child Welfare Subcommittee, Manitoba, March, 1980

4.3 A Report on the State of Family Law in Manitoba, Recommendations for Change, May, 1982, Robert Carr

4.4. Organizational Review and Recommendations, Children's Aid Society of Central Manitoba, Social Planning Council of Winnipeg, March, 1983

4.5 Other

5. STATISTICS

5.1 Apprehensions
5.2 Placements
5.3 Out of Province Placements
5.4 Inter-Provincial Comparisons
5.5 Other

6. PLACEMENT PROCEDURES

6.1 Provincial Guidelines

6.2 Current Placement Practises

6.2.1 Private Agencies

6.2.1.1 Children's Aid Society of Winnipeg
6.2.1.2 Children's Aid Society of Eastern Manitoba
6.2.1.3 Children's Aid Society of Central Manitoba
6.2.1.4 Children's Aid Society of Western Manitoba

6.2.2 Regional Provincial Offices

6.2.2.1 Thomspon
6.2.2.2 The Pas/Flin Flon
6.2.2.3 Dauphin/Swan River
6.2.2.4 Interlake
6.2.2.5 Winnipeg Region
6.2.2.6 Eastman

6.2.3 Special Community Agency

6.2.3.1 Jewish Child and Family Services

6.2.4 Special Agreement

6.2.4.1 Dakota Ojibway Child and Family Services

6.2.5 Tripartite Agreement

6.2.5.1 South East Child and Family Services
6.2.5.2 Anishinaabe Child and Family Services
6.2.5.3 Western Child and Family Services
6.2.5.4 Awasis Child and Family Services

6.2.6 Band Agreement

6.2.6.1 Fort Alexander Child and Family Services

6.2.7 Indian Affairs Pay List

6.2.8 Other

6.2.8.1 Island Lake Child Welfare Committee
6.2.8.2 Norway House Child Welfare Committee

6.3 Summary

7. EDUCATION OPPORTUNITIES

7.1 New Careers
7.2 Winnipeg Education Centre
7.3 BUNTAP
7.4 School of Social Work
7.5 Faculty of Education
7.6 Other

8. FILE REVIEWS

8.1 Thompson Region
8.2 Dauphin Region
8.3 Children's Aid Society of Central Manitoba
8.4 Children's Aid Society of Eastern Manitoba
8.5 Children's Aid Society of Western Manitoba
8.6 Children's Aid Society of Winnipeg
8.7 Summary

9. TREATY ADOPTEES

9.1 Background
9.2 Letter
9.3 Responses
9.4 Summary

10. INFORMATIONAL SYSTEMS

10.1 Registry of Children/Homes available
10.2 Computerized Information System
10.3 Current Review System
10.4 Abuse Registry
10.5 Other

11. U.S.A. INDIAN CHILD WELFARE ACT

11.1 History of Legislation
11.2 Review of Provision of the Act
11.3 Comparison with Manitoba Provisions

12. U.S.A. TRIBAL COURT SYSTEM

12.1 Review of Court System and Functions
12.2 Indian Tribal College and Training Centres
12.3 Preliminary Assessment
12.4 Comparison with Manitoba

13. CHILD ADVOCACY SYSTEMS

13.1 Review of Various Child Advocacy Systems
13.2 Comparison with Manitoba System

14. CHILD ABUSE RESPONSE SYSTEMS

14.1 Review of Various Child Abuse Response Systems
14.2 Comparison with Manitoba System

15. CROWN WARDSHIP REVIEW SYSTEMS

15.1 Review of Ontario Review Systems
15.2 Comparison with Manitoba System

16. ISSUES IDENTIFIED IN REVIEW PROCESS

16.1 Issue

16.1.1 Information Presented and Source
16.1.2 Chairman's Comments

17. CONCLUSIONS

18. RECOMMENDATIONS